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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,450	07/21/2003	Chang-Ming Yang	003-03-017	5024
<div>7590      05/31/2007</div> <div>Apex Juris, pllc 13194 Edgewater Lane Northeast Seattle, WA 98125</div> <div>EXAMINER LIEU, JULIE BICHNGOC</div> <div>ART UNIT      PAPER NUMBER</div> <div>2612</div> <div>MAIL DATE      DELIVERY MODE</div> <div>05/31/2007      PAPER</div>				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/623,450

Applicant(s)

YANG, CHANG-MING

Examiner

Julie Lieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office action is in response to Applicant's amendment file March 16, 2007. Claims 1-7, 10-12, 15-16, 18, 19, and 23-26 have been amended.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Claim Objections*

3. Claims 1-26 are objected to because the amendment to these claims is improperly made.

For instance:

In claim 1, currently amended claim, "touching against" is added but not properly underlined while "touches" previously presented disappeared instead of being stroked through. Line 7, "relay" from previously presented claim is deleted; it should be stroked through instead of being made disappeared. Added text "would put through" is not properly underline. The phrase "which could be an airtight chamber" is not properly underlined to indicated newly added text.

Similar problems arise in amended claims 2-7, 15, and 17, wherein added text not properly underlined and text deleted from previously presented claims not being stroked through but simply disappeared.

In claim 15, line 2, “for gas injection” in the previous presented claim not properly stroked through as deleted text.

In claim 18, line 8, “for the convenience of” is not properly underlined as newly added text. Line 10, “said combined metal or magnetic material with non-metal material from” in previously presented claim is deleted but not being shown as stroked through. Line 12, “outside of said electromagnetic wave-proof device, and” and “detected outside of said electromagnetic wave-proof device is then placed inside said electromagnetic wave-proof device to isolate said metal or magnetic material from said sensor's further detection to prevent signal error.” previously presented is deleted but not being shown as stroked through, “placed inside said electromagnetic wave-proof device to isolate the sensor’s detection” is not properly underline to show newly added text. Also, claim 18 must end with a period.

In claim 26, “could be” and the phrase “varying with respect to the distance between the article of metal or magnetic and the sensor so” are not properly underlined.

Corrections are required.

***Claim Rejections - 35 USC § 112***

4. Claim 11 is again rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification fails to disclose that the sensor can sense the metal or magnetic material by the material touching the sensor, which is the CCD image device. Further, it also fails to disclose how an image of an object can indicate that the object is of metal or magnetic material. In addition, the specification fails to disclose how a capacitance sensor senses the “sharpness” of the metal or magnetic material.

5. Claims 11 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 and 26 “could be” is indefinite.

In claims 2, 5, 15, it appears that “an airtight chamber” should be recited as “said airtight chamber” to follow its antecedent basis.

In claim 10, line 7, “a control panel” should be recited as “said control panel” to follow the rule of antecedent basis, unless another (second) control panel is meant to be claimed.

In claim 11, it is not clear how the metal or magnetic material can be sensed by it touching the sensor, which is the CCD image device?

In claim 26, “can be” is indefinite.

### ***Applicant's Arguments***

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6. Applicant has presented the following argument:

Argument 1:

The CCD sensor is used to detect the shape of article made of metal or magnetic, instead of detecting the material that is used to fabricate such article. The image detected by the CCD sensor will be compared with database and once the pre-determined shape is found a signal will be sent.

The capacitance sensor in the present invention, also according to the reference patent given, is used to determine the distance between the article made of metal or magnetic and the capacitance sensor with respect to the varying values read by the capacitance sensor, then further can be used to determine the location of the article made of metal or magnetic.

All the rest of the corrections in the specification should be sufficient to overcome the Examiner's rejection on these points

*Applicant's Arguments*

7. Applicant's arguments have been fully considered but they are not persuasive.

Response to argument 1:

The 112, 1<sup>st</sup> paragraph rejection is now addressed to claim 11 instead of claim 10, wherein the claim 11 recites that the sensor is a CCD image device. The specification fails to

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disclose how CCD image device detects the metal or magnetic article by touching against the article AS CLAIMED in claim 10; therefore the rejection still applies.

For reasons stated above, the rejection is maintained.

### *Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a long horizontal flourish extending to the right.

Julie Lieu  
Primary Examiner  
Art Unit 2612

May 23, 07